IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 8767 of 2004(R)

PETITIONER:

K.S.RAGHUPATHY,
S/O. LATE SHANMUGHAM CHETTIAR, R.S.R. MILLS,
PUTHUR ROAD, KOZHINJAMPARA POST, CHITTUR TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.G.HARIHARAN.

RESPONDENTS:
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1. **MRS. CHELAMMA, C/O. PANCHLINGA GOUNDER,**
   K.P.399, GANDHI NAGAR, NATTUKAL P.O.,
   VALIYA VALIAMPATHY VILLAGE, CHITTUR TALUK,
   PALAKKAD DISTRICT.

2. **REGIONAL JOINT LABOUR COMMISSIONER,**
   CIVIL STATION, KAKKANAD, ERNAKULAM.

3. **DISTRICT LABOUR OFFICER,**
   CIVIL STATION, PALAKKAD.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.8767/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER PASSED BY THE R.3. DTD. 11/06/01.

EXT.P.2: COPY OF THE CERTIFICATE FOR PMT REGISTRATION ISSUED TO THE PETITIONER BY THE HON'BLE GOVERNMENT OF KERALA ON 22/07/1983.

EXT.P.3: COPY OF THE ORDER OF R.2. DTD. 27/08/03 .

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 8767 OF 2004

Dated this the 19th day of July, 2007.

J U D G M E N T

Petitioner is aggrieved by Exhibit P3 order passed by the Appellate Authority under the provisions of Payment of Gratuity Act.

2. According to the petitioner, first respondent is only a casual worker and hence she is not entitled to gratuity as presently computed by the respondents. It is seen from the counter affidavit that the petitioner had contradictory versions before the Controlling Authority and the Appellate Authority and that he did not produce any other records before the Statutory Authorities. Therefore, on the basis of available evidence only the orders were passed.

In view of the facts and circumstances of the case thus stated in detail leading to the impugned orders in the counter affidavit, there is no merit in this writ petition. It is accordingly dismissed.

KURIAN JOSEPH, JUDGE.

smp